

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

MAGNOLIA ISLAND PLANTATION,
ET AL.

CIVIL ACTION NO. 5:18-CV-1526

VERSUS

DISTRICT JUDGE:
HON. S. MAURICE HICKS, JR.

LUCKY FAMILY, L.L.C., ET AL.

MAGISTRATE JUDGE:
HON. KAREN L. HAYES

**DAUBERT MOTION TO EXCLUDE
OPINIONS OF JOHN W. DEAN**

NOW INTO COURT, through undersigned counsel, comes defendant W. A. Lucky, III, who, for the reasons set forth in the accompanying memorandum, seeks to exclude the expert testimony of plaintiff's expert witness, John W. Dean, as follows:

1. This motion will be rendered moot if the Court grants summary judgment dismissing the plaintiffs' actions to annul and rescind the October 24, 2018 Sheriff's Sale of the Promissory Note. The defendants' motions for summary judgment for dismissal of those actions are pending. However, the existing scheduling order requires that this motion be filed at this time.

2. Mr. Dean is a certified public account and appraiser. As appraiser for plaintiff Ms. Barbara Lollar, Mr. Dean appraised the promissory note for the sheriff's sale which plaintiffs have sought to annul by this action.

2. Mr. Dean seeks to provide an opinion concerning the appraisal made by defendant W. A. Lucky, III's appointed appraiser, Mr. Chad Garland. Mr. Dean also seeks to provide an opinion concerning the appraisal made by the Sheriff's appointed appraiser, Mr. Patrick Lacour, and that his appraisal was "outside the bounds of reasonableness."

3. Such an opinion is wholly irrelevant to any issues presented in this case, for several reasons. First, Louisiana law does not support any attack upon an appraisal based on the charge that the appraisal does not accurately reflect the valuation of the property. Second, Louisiana's statutory scheme for appraisals such as this is expressly designed to prevent subsequent collateral attacks the accuracy of appraisals. Third, Mr. Dean, who agrees that Mr. Lacour used the appropriate general methodology in performing the appraisal, does not opine that the Mr. Lacour's appraisal was not "true and just," which is the statutory requirement.

WHEREFORE, defendant W. A. Lucky, III respectfully prays that this motion be granted and the expert opinions of John W. Dean be excluded from evidence at the trial of this matter.

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